



COATS & BENNETT, P.L.L.C.
PO BOX 5
RALEIGH, NC 27602

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OFFICE OF PETITIONS

In re Application of
Carlsson et al.
Application No. 09/887,630
Filed: June 22, 2001
Attorney Docket No. 4015-955

DECISION ON PETITION

This is a decision on the "Request for Filing Receipt Correction," filed on August 27, 2001, requesting a corrected filing receipt for the above-identified application that contains the correct priority date of February 13, 2001, instead of February 14, 2001.¹ This Request is being treated as a petition under 37 CFR 1.10(c).

The petition is **DISMISSED AS MOOT.**

The instant application was filed on June 22, 2001. On July 16, 2001, Applicants filed a Preliminary Amendment which inserted a new paragraph in the June 22, 2001 Specification, thereby claiming benefit of U.S. provisional application No. 60/268,468 which had been filed on February 13, 2001.² A filing receipt mailed on August 14, 2001 indicates February 14, 2001 as the priority date under 35 U.S.C. 119(e).³ The instant petition requests a corrected filing receipt showing February 13, 2001, rather than February 14, 2001, as the priority date.

The Office notes that, subsequent to the November 9, 2001 Decision according the February 13, 2001 filing date to provisional application No. 60/268,468,⁴ the official records for the instant application were corrected accordingly. The petition is unnecessary and is dismissed as moot. A corrected filing receipt reflecting the February 13, 2001 priority date is attached as requested. No petition fee is owed.

This application is being forwarded to Technology Center 2600 for examination in due course.

Telephone inquiries concerning this Decision may be directed to Petitions Attorney RC Tang at (703) 308-0763.

Christina Donnell for

Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ The Office sincerely apologizes for any inconvenience caused by the delay in processing the 8/27/01 Request.

² Provisional application No. 60/268,468 was originally accorded a filing date of 2/14/01, as indicated in a 6/24/01 filing receipt. However, a petition under 37 CFR 1.10(c) requesting a filing date of 2/13/01, filed on 7/16/01 for that provisional application, was granted on 11/9/01. Under 35 U.S.C. 119(e), a nonprovisional application is entitled to the benefit of an earlier-filed provisional application, i.e., it is treated as having been filed on the date the provisional application was filed, if it contains or is amended to contain specific reference to that earlier-filed provisional application. Thus, the 7/16/01 Preliminary Amendment filed for the instant application renders this application eligible, under 35 U.S.C. 119(e), for claiming benefit of the 2/13/01 filing date of provisional application No. 60/268,468.

³ The petition under 37 CFR 1.10(c) was forwarded to the Office of Petitions, while the 8/14/01 filing receipt was generated by the Office of Initial Patent Examination (OIPE), based on the reference to the provisional application contained in the Preliminary Amendment, prior to the 11/9/01 Decision on the petition.

⁴ See *supra* note 2.